



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> September 2, 2016 <b>LOCAL EFFECTIVE DATE</b> September 16, 2016 <b>APPROX FINAL EFFECTIVE DATE</b> October 7, 2016	<b>CONTACT/PHONE</b> Brandi Cummings, Project Planner (805) 781-1006 bcummings@co.slo.ca.us	<b>APPLICANT</b> Robert and Adrienne Kingslyn	<b>FILE NO.</b> DRC2015-00107
<b>SUBJECT</b> A request by <b>ROBERT and ADRIENNE KINGSLYN</b> for a Minor Use Permit/Coastal Development Permit (DRC20105-00107) to allow the construction of a 2,769 square-foot single-family residence with a 602 square-foot attached garage and attached deck. The project will result in the disturbance of the entire 2,800 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located on Park Avenue, approximately 0.2 miles northwest of the South Ocean Avenue and 13 <sup>th</sup> Street intersection, in the community of Cayucos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/ Coastal Development Permit DRC2015-00107 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption is proposed for this project.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Geologic Study Area	<b>ASSESSOR PARCEL NUMBER</b> 064-081-053	<b>SUPERVISOR DISTRICT</b> 2
<b>PLANNING AREA STANDARDS:</b> Resource Capacity and Service Availability, Building Height, Setbacks, Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program, Grading Adjustment <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> CA Highway 1 <i>South:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/water tanks & wireless site <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, County Service Area 10 (Cayucos Water), and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Ice plant
PROPOSED SERVICES: Water supply: County Service Area 10 (Cayucos Water) Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire	ACCEPTANCE DATE: July 15, 2016

## DISCUSSION

The applicant is proposing to build a 2,769 square-foot, three-level single family residence with a 602 square-foot attached garage and approximately 564 square-feet of deck area. The property is currently vacant and is surrounded by single family residences, water storage tanks, and CA Highway 1. The project is located on Park Avenue, approximately 0.2 miles northwest of the South Ocean Avenue and 13<sup>th</sup> Street intersection, in the community of Cayucos. As outlined below, the proposed project is consistent with the Cayucos Urban Area Standards of the Estero Area Plan as well as applicable Coastal Zone Land Use Ordinance standards and General Plan and Local Coastal Plan policies.

## PLANNING AREA STANDARDS

### ***Areawide***

Light and Glare. At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

*Staff comments: The proposed project is conditioned to comply with this standard at time of construction permit application.*

### ***Communitywide***

Resource Capacity and Service Availability. Application for new land divisions and land use permits for new development shall be accompanied by letters from the applicable water purveyor and the Cayucos Sanitary District stating their intent to serve the proposed project.

*Staff comment: This project complies with this standard because the applicant submitted intent-to-serve letter from the Morro Rock Mutual Water Company, dated July 15, 2016, and a will serve letter from Cayucos Sanitary District, dated July 14, 2016.*

Setbacks. The following special setbacks apply for lots fronting Park Avenue in Morro Rock View, Block 18: front setback – 0 feet, side setback – 3 feet, rear setback – 5 feet.

*Staff comments: The proposed project has a 2 foot front setback, 16 foot rear setback, and 3 feet side setbacks and therefore complies with this standard.*

***Combining Designations***

Geologic Study Area. A geologic report prepared by a certified engineering geologist is required for hillside development.

*Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated July 8, 2016. Recommendations are provided in the report, and shall be followed during construction.*

***Residential Single Family***

Height Limitation. New development shall not exceed 28 feet (above average natural grade) unless a more restrictive height limitation is specified.

*Staff comment: This project complies with this standard. The overall residence is proposed at 28 feet high, above average natural grade.*

Building Face Height and Setback. The maximum height of the front and rear building faces (including decks and balconies), as measured from the finished grade, shall be as shown in the following table, and the minimum setback from that building face to the next higher story shall be six feet.

Average Slope of Lot Prior to Grading (Percent)	Maximum Height of Front and Rear Building Face From Finished Grade (Ft.)
Less Than 20	22
20 and Greater	24

*Staff comments: This project complies with this standard. The average slope of the lot is 24%; therefore, the allowable maximum building face height is 24 feet from finished grade. The proposed residence has a solid front building face of 24 feet above the finished grade, and a solid rear building face of 15 feet above the finished grade.*

Lot Coverage. The maximum building footprint of all structures, including garages and carports, shall be 50 percent of the total area of the site. All covered decks, and the portions of uncovered decks and balconies that extend into any required setback, shall be included in the building footprint.

*Staff comments: The project complies with this standard. The proposed lot coverage is 1366 square feet (49 percent) of the 2,800 square foot lot.*

**COASTAL ZONE LAND USE ORDINANCE STANDARDS**

***Section 23.07.120: Local Coastal Program***

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

**Section 23.05.034(b)(3): Grading Adjustment**

Grading on slopes between 20% and 30% may occur by Minor Use Permit or Development Plan approval subject to the following:

- (i) The applicable review body has considered the specific characteristics of the site and surrounding area including: the proximity of nearby streams or wetlands, erosion potential, slope stability, amount of grading necessary, neighborhood drainage characteristics, and measures proposed by the applicant to reduce potential erosion and sedimentation.
- (ii) Grading and erosion control plans have been prepared by a registered civil engineer and accompany the request to allow the grading adjustment.
- (iii) It has been demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area.
- (iv) It has been found that there is no other feasible method of establishing an allowable use on the site without grading on slopes between 20% and 30%.

*Staff comments: Construction of the proposed residence would necessitate grading on slopes between 20% and 30%. The proposed project complies with this standard because it is not located in close proximity to streams or wetlands and, as conditioned, the applicant will be required to submit grading, drainage, and sedimentation and erosion control plans for review and approval before issuance of construction and/or grading permits. The parcel does not contain a feasible building site on slopes less than 20%.*

**Section 23.07.084: Geologic Study Area Combining Designation**

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate.

*Staff comment: This project complies with this standard because applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated July 8, 2016.*

**Section 23.06.040: Noise Standards**

The project site is located adjacent to State Highway 1, which is a transportation noise source for sensitive noise receptors (e.g. residences).

The northwestern portion of the project site is within close proximity to the highway noise source. According to the County's Noise Ordinance, noise levels around a highway can exceed the acceptable noise thresholds of 65dB for exterior spaces and 45dB for interior spaces. Due to the close proximity of the subject site to the Highway 1, the following areas on the property will be exposed to the noise levels exceeding the acceptable levels by County standards:

- Areas exposed to 60 dB to 65 dB range - 146 feet from road centerline, and closer;
- Areas exposed to 65 dB to 70 dB range - 133 feet from road centerline, and closer;

*Staff comments: As designed, the proposed residence is located approximately 100 feet from Highway 1 centerline. Based on the information above, the proposed residence will be located within the 65 dB to 70 dB and 60 dB to 65 dB ranges and will be exposed to exterior noise levels beyond 65dB. This does not meet the County's acceptable exterior noise standards. The project is conditioned to implement the standardized mitigation packages outlined in the Noise Element to mitigate the effect of transportation noise from CA Highway 1 on the proposed residence.*

## COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 7, 8, 9, 10 and 11

Visual and Scenic Resources: ☒

Policy No(s): 2

Hazards: ☒

Policy No(s): 1 and 2

Archeology: N/A

Air Quality: N/A

### **Public Works**

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff comment: This project complies with this standard because the applicant submitted intent-to-serve letter from the Morro Rock Mutual Water Company, dated July 15, 2016, and a will serve letter from Cayucos Sanitary District, dated July 14, 2016.*

### **Coastal Watersheds**

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, except existing lots of record in the Residential Single Family category and where a residence cannot be feasibly sited on a slope less than 20 percent.

*Staff comment: The proposed project complies with this policy because the site has a uniform slope with an average of 24% and does not contain a feasible building site or adequate building areas where slopes less than 20%.*

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

*Staff comment: The proposed project is consistent with this policy because it is conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

*Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works Department.*

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

*Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.*

### **Visual and Scenic Resources**

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever, possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created 'pockets' to shield development and minimum visual instruction.

*Staff comment: This project complies with this standard because the project does not significantly affect the visual quality as seen from major public corridors due to the viewing distances from public roads, including Highway 1.*

### **Hazards**

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

*Staff comment: The project complies with this standard because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff comment: The project complies with this standard because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability. The applicant submitted an Engineering Geologic Investigation (GeoSolutions, Inc.) dated July 8, 2016.*

COMMUNITY ADVISORY GROUP COMMENTS:

Cayucos Citizens Advisory Council (CCAC) – Per attached referral response (Jaqua, July 11, 2016), the CCAC recommended to support the project as long as it is consistent with County standards.

AGENCY REVIEW:

Public Works – Per attached referral response (Tomlinson, April 10, 2016), the project shall submit a drainage plan at time of construction permit application.

Cayucos Fire – Per attached referral response (April 28, 2016), no comment.

California Coastal Commission – No response.

Cayucos Sanitary District – No response.

Building Department – Per attached response (Stoker, April 6, 2016), the project shall comply with all applicable building and safety codes.

LEGAL LOT STATUS:

The one existing parcel is a portion of Lot 30 in Block 18 of Morro Rock View 4 according to map recorded October 17, 1928 in Book 3, Page 114 of Maps.

Staff report prepared by Brandi Cummings and reviewed by Kerry Brown.